

1 **JAMES HAWKINS APLC**

2 James R. Hawkins (SBN 192925)
3 James@jameshawkinsaplc.com
4 Christina M. Lucio (SBN 253677)
5 Christina@jameshawkinsaplc.com
6 Mitchell J. Murray (SBN 285691)
7 mitchell@jameshawkinsaplc.com
8 9880 Research Drive, Suite 200
9 Irvine, California 92618
10 Telephone: (949) 387-7200
11 Facsimile: (949) 387-6676

12 Attorneys for Plaintiff JOE VIGIL,
13 on behalf of himself and all others similarly situated

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 JOE VIGIL, individually and on behalf
17 of all others similarly situated,

18 Plaintiff,

19 vs.

20 HYATT CORPORATION, a Delaware
21 corporation, GRAND HYATT S.F.,
22 LLC, a Delaware limited liability
23 company, doing business as GRAND
24 HYATT SAN FRANCISCO, and
25 DOES 1-50, inclusive,

26 Defendants.

27 Case No. 4:22-cv-00693-HSG
28 Judge: Haywood S. Gilliam, Jr.

29 **PLAINTIFF JOE VIGIL'S
30 NOTICE OF MOTION AND
31 MOTION FOR PRELIMINARY
32 APPROVAL OF CLASS
33 SETTLEMENT, CONDITIONAL
34 CERTIFICATION OF
35 SETTLEMENT CLASS, AND
36 APPROVAL OF PROPOSED
37 NOTICE OF CLASS ACTION
38 SETTLEMENT**

39 Date: August 24, 2023
40 Time: 2:00 p.m.
41 Courtroom 2

42 Action Filed: November 2, 2021

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on August 24, 2023, at 2:00 p.m., or as
3 soon thereafter as the matter may be heard, before the Honorable Haywood S.
4 Gilliam, Jr., in Courtroom 2, 4th Floor, of the United States District Court,
5 Northern District of California, at the Ronald V. Dellums Federal Building &
6 United States Courthouse, located at 1301 Clay Street, Oakland, California
7 94612, Plaintiff Joe Vigil (“Plaintiff”) will seek an Order:

- 8 (1) Granting leave for the filing of the Second Amended Complaint;
- 9 (2) Preliminarily approving the Joint Stipulation of Class Action and PAGA
10 Settlement and Release (“Agreement” or “Settlement Agreement”) in
11 this matter;
- 12 (3) Conditionally certifying the following Class for settlement purposes
13 only: “all current and former non-exempt, hourly employees working
14 for Defendants at the Grand Hyatt San Francisco hotel at any time
15 between November 2, 2017 to March 9, 2023” (the “Class”);
- 16 (4) Appointing Plaintiff Joe Vigil as Class Representative;
- 17 (5) Appointing James R. Hawkins and Christina M. Lucio of James
18 Hawkins APLC as Class Counsel;
- 19 (6) Preliminarily approving the total Gross Settlement Amount in the
20 amount of Seven Hundred Twenty-five Thousand Dollars (\$725,000);
- 21 (7) Finding on a preliminary basis that the Agreement appears to be within
22 the range of reasonableness of a settlement, including the amount of the
23 PAGA penalties, Class Representative Service Award, Class Counsel
24 fees and costs, Settlement Administration Costs, and the allocation of
25 payments to Class Members, that could ultimately be given final
26 approval by this Court;
- 27 (8) Approving the Notice of Class Action Settlement to be sent to Class
28 Members and directing Notice to be sent out as set forth in the

1 Settlement Agreement;

2 (9) Appointing Phoenix Class Action Administrators as the Settlement
3 Administrator; and

4 (10) Setting the matter for a Final Fairness and Final Approval hearing.

5 This Motion is made pursuant to Federal Rule of Civil Procedure, Rule
6 23(a), (b)(3), and (e), which provides for court approval of the settlement of a
7 purported class action and allows the Court to preliminarily certify a class for
8 settlement purposes.

9 The basis for this Motion, filed without any opposition from Defendants
10 Hyatt Corporation and Grand Hyatt S.F., LLC (“Hyatt” or “Defendants”), is that
11 the proposed settlement is fair, adequate, and reasonable and the procedures
12 proposed by the Parties are adequate to ensure the opportunity of class members
13 to participate in, opt-out of, or object to the settlement.

14 This Motion will be based on the attached Memorandum of Points and
15 Authorities, the Settlement Agreement and the proposed Notice of Class Action
16 Settlement, and the supporting Declarations of James R. Hawkins, Christina M.
17 Lucio, and Plaintiff Joe Vigil, and upon the oral arguments of counsel (should
18 there be any) and on the complete records and file herein.

19
20 DATED: May 19, 2023

JAMES HAWKINS APLC

22 By: /s/ Christina M. Lucio

23 James R. Hawkins

24 Christina M. Lucio

25 Mitchell J. Murray

26 *Attorneys for Plaintiff, on behalf of himself
and all others similarly situated*

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2023 I electronically filed the foregoing with the Clerk of the Court for the U.S. District Court, for the Northern District of California using the CM/ECF system. All participants are registered CM/ECF users, and will be served by the CM/ECF system.

Dated: May 19, 2023

/s/ Christina M. Lucio

Christina M. Lucio